

- 16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTON OF TEXAS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES.**

31

AMENDMENT TO H.R. 10
OFFERED BY MR. BARTON OF TEXAS
Sense of Congress on digital television conversion

After section 5010 insert the following new section:

1 **SEC. 5011. DIGITAL TELEVISION CONVERSION DEADLINE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Congress granted television broadcasters ad-
4 ditional 6 MHz blocks of spectrum to transmit dig-
5 ital broadcasts simultaneously with the analog
6 broadcasts they transmit on their original 6 mega-
7 hertz blocks of spectrum.

8 (2) Section 309(j)(14) of the Communications
9 Act of 1934 requires each television broadcaster to
10 cease analog transmissions and return 6 megahertz
11 of spectrum by December 31, 2006, or once just
12 over 85 percent of the television households in that
13 broadcaster's market can view digital broadcast tele-
14 vision channels using a digital television, a digital-
15 to-analog-converter box, cable service, or satellite
16 service, whichever is later.

17 (3) Twenty-four megahertz of spectrum cur-
18 rently occupied by the television broadcasters has
19 been earmarked for use by first responders once the



1 television broadcasters return the spectrum broad-
2 casters currently use to provide analog trans-
3 missions.

4 (4) This spectrum would be ideal to provide
5 first responders with interoperable communications
6 channels.

7 (5) Large parts of the vacated spectrum could
8 be auctioned for advanced commercial services, such
9 as wireless broadband.

10 (6) The "85-percent penetration test" could
11 delay the termination of analog television broadcasts
12 and the return of spectrum well beyond 2007, hin-
13 dering the use of that spectrum for these important
14 public-safety and advanced commercial uses.

15 (7) Proposals to require broadcasters to return,
16 on a date certain, just the spectrum earmarked for
17 future public-safety use would not adequately resolve
18 the identified need for improved public-safety com-
19 munications interoperability. Broadcasters estimate
20 that the public-safety only approach would dislocate
21 as many as 75 stations, including some in major
22 markets, airing major network programming, some-
23 times even in digital form. Unless broadcasters are
24 required to return concurrently all the spectrum cur-
25 rently used for analog transmissions, it will be ex-



1 ceedingly difficult to relocate these 75 stations,
2 which also serve a critical public safety function by
3 broadcasting weather, traffic, disaster, and other
4 safety alerts.

5 (8) Proposals to require broadcasters to return,
6 on a date certain, just the spectrum earmarked for
7 future public-safety use also would neither address
8 the digital television transition in a comprehensive
9 fashion nor free valuable spectrum for advanced
10 commercial services.

11 (b) SENSE OF CONGRESS.—Now, therefore, it is the
12 sense of Congress that section 309(j)(14) of the Commu-
13 nications Act of 1934 should be amended to eliminate the
14 85-percent penetration test and to require broadcasters to
15 cease analog transmissions at the close of December 31,
16 2006, so that the spectrum can be returned and
17 repurposed for important public-safety and advanced com-
18 mercial uses.

